19/42

File No. O. Tramways 42

Legal DEPARTMENT

"A" BRANCH

p 4 (E)

Subject:—

Opinions under the Indian Tramways Act; 1886.

File No. O. Tramways/42.

Std. Sectt. Slip 24 B a.

456-A.

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Legal Department File No.C. Treasury/42

S.No.	Comp. No.	Subject	Pages
		Opinions under the Indian Treasuries Act, 1906.	
1.	C.N. 6632/15-3-42.	Secs. 3(16), 6(3) and 10(2) Sec. 311(2) of the C.of Indian Act, 1935 Sub-clause(2) of clause 7 of the Alamtbi- Taluka Treasury Order, 1935, Revocation of the said order by Govt. of Bombay.	

H.R.D.
No.5-96
C.5

Office of the R.L.A.

The view expressed by the Deputy Secretary to P.W.D. that the Collector cannot deduct the sum of Rs. 4 from the deposit and that the District Local Board will have to establish its claim in a court of law is correct.

2. The tramway in question is a Federal railway within the meaning of section 311(2) of the Government of India Act, 1935. Consequently the issue of a notification under section 10(2) of the Indian Tramways Act, 1886, would be beyond the competence of the Provincial Government in view of section 3(16) of the Act. It does not appear that the functions under section 10 are entrusted to the Provincial Government. Besides section 10 does not provide for revocation of the order issued under section 6(3) of the Indian Tramways Act, 1886 The P.W.D. draft notification on p. 339 is therefore not in order.

Sub-clause (2) of clause 7 of the Almatti-Talikote Tramway Order, 1935, Provides for revocation of the Order in certain circumstances. The funtions of the Central Government under this clause have been entrusted to the Government of Bombay by Government of India, Railway Department (Railway Board) Notification No. 1602-W, dated the 31st July 1939. The Government of Bombay is therefore, competent to revoke the Order in question by virtue of the delegation. Accordingly the requisite revised draft notification is sent herewith

is sent herewith.

ed/- P.N.M
Remembrancer of Legal Affairs.

U. O. to the P.W.D. No. 6632 dated the 15th August 1912.

Madhavji Raokadam.

S/-

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NOTIFICATION.

Public Works Department.

Bombay Castle, 1.1.1.

No. Whereas the [illegible] Promoters authorised to construct a tramway under the Ahmedabad-Talimota [illegible] Tramway Order, 1935 (hereinafter referred to as "the said Order"), have failed, within the period specified in sub-clause(1, of clause 7 of the said Order as further extended from time to time, to complete, equip and make ready for opening the tramway to public traffic as provided in the said sub-clause (1, of clause 7;

Now therefore, in exercise of the functions of the Central Government under sub-clause (2, of clause 7 of the said Order, entrusted to the Government of Bombay by the Government of India, Railway Department (Railway Board) notification No. 16.2-T, dated the 31st July 1939, the Government of Bombay is hereby pleased to revoke the said Order.

By order of the Governor of Bombay,

Secretary to Government.

Railway Secretariat.

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